HASSAN JEANNE M 10/24/81 135641 PRINTER: LI
80 KINGSTON 4038

CONFIDENTIAL

UNCLASSIFIED

CONFIDENTIAL
PAGE 01 KINGST 04038 042209Z
ACTION ARA-15
INFO OCT-01 ADS-00 CIAE-00 DODE-00 PM-05 H-01 INR-10
L-03 NSAE-00 NSC-05 PA-01 SP-02 SS-15 ICA-11
HA-05 EUR-12 /086 W
------------------104875 042349Z /61

DEPARTMENT OF STATE A/CDC/MR
REVIEWED BY
RDS or XDS EXT. DATE
TS AUTH. DATE 25 JUN 198
ENDORSE EXISTING EXEMPTION(S)
DECLASSIFY IN FULL
RELEASE IN PART
PA or NOT EXCEPTIONS

R 022040Z JUN 80
FM AMEMBASSY KINGSTON
TO SECSTATE WASHDC 3085
INFO AMEMBASSY BRIDGETOWN
AMEMBASSY GEORGETOWN
AMEMBASSY NASSAU
AMEMBASSY PORT OF SPAIN
C O N F I D E N T I A L KINGSTON 4038
E.O. 12065: GDS 6/2/86 (LAWRENCE, L.) OR-AMB
TAGS: PINT, JM
SUBJECT: SECURITY MINISTER'S ELECTION NULLIFIED
REF: KINGSTON 3185

1. (U) SUMMARY: THE SUPREME COURT OF JAMAICA HAS DECLARED INVALID THE ELECTION IN WHICH NATIONAL SECURITY MINISTER DUDLEY THOMPSON WON HIS SEAT IN PARLIAMENT. ANSWERING A REQUEST FROM A PROSPECTIVE CANDIDATE WHO WAS NOT ALLOWED ON THE BALLOT, THE COURT HAS DECLARED THAT THE CABINET ACTED IN AN UNCONSTITUTIONAL MANNER WHEN THOMPSON WAS ELECTED IN 1978. IN THE WAKE OF THE DECISION, THE ACTING PRIME MINISTER HAS ASSUMED THOMPSON'S DUTIES UNTIL THE SITUATION BECOMES CLEAR. THOMPSON HAS DECLARED HIS INTENTION TO APPEAL THE DECISION AND TO CONTINUE TO ATTEND PARLIAMENT UNTIL THE SPEAKER DECLARES HIS SEAT VACATED. END SUMMARY.

2. (U) IT HAS BEEN A HARD WEEK FOR NATIONAL SECURITY MINISTER DUDLEY THOMPSON. IN THE WAKE OF A POLICE FEDERATION STATEMENT CALLING FOR HIS RESIGNATION (REFTEL, THE JAMAICAN

CONFIDENTIAL
CONFIDENTIAL
PAGE 02 KINGST 04038 042209Z

SUPREME COURT HAS DECLARED UNCONSTITUTIONAL THOMPSON'S ELECTION TO PARLIAMENT IN AUGUST 1978. THE PRESIDING JUDGE IN THE CASE, JUSTICE WRIGHT, DETERMINED THAT THE PLAINTIFF IN THE CASE, MR. DONALD THOMPSON, HAD BEEN DENIED HIS RIGHTS UNDER THE CONSTITUTION WHEN HIS NOMINATION TO RUN IN THE PARLIAMENTARY ELECTION HAD BEEN NULLIFIED. THE PLAINTIFF HAD SUCCEEDED IN PLACING HIS NAME IN NOMINATION ON THE JULY 10, 1978, NOMINATION DAY, A DAY MARRED BY VIOLENCE WHICH KEPT SEVERAL OTHER PROSPECTIVE CANDIDATES FROM PUTTING THEIR NAMES ON THE BALLOT. UNDER PRESSURE, THE GOVERNMENT DECLARED THE NOMINATIONS OF JULY 10 INVALID AND RESET THE NOMINATION DAY FOR JULY 18. DONALD THOMPSON DID NOT ATTEMPT TO GET ON THE BALLOT ON THE SECOND DATE BUT TOOK THE CASE TO COURT BECAUSE HIS ORIGINAL NOMINATION WAS INVALIDATED.

3. (U) THE COURT AGREED WITH THE PLAINTIFF'S ARGUMENT THAT

CONFIDENTIAL

CONFIDENTIAL

THE GOVERNMENT HAD NO RIGHT UNDER THE CONSTITUTION TO DECLARE HIS NOMINATION INVALID. QUOTING FROM A PREVIOUS JUDGMENT RENDERED BY THE PRIVY COUNCIL OF CEYLON, THE DECISION READ, IN PART, "IF SUCH ACTS AS THESE WERE VALID, THE JUDICIAL POWER COULD BE WHOLLY ABSORBED BY THE LEGISLATURE. IT IS APPRECIATED THAT THE LEGISLATURE HAD NO SUCH GENERAL INTENTION. IT WAS BESET BY A GRAVE SITUATION, AND IT TOOK GRAVE MEASURES TO DEAL WITH IT, THINKING ONE MUST PRESUME THAT IT HAD THE POWER TO DO SO AND WAS ACTING RIGHTLY. BUT THAT CONSIDERATION IS IRRELEVANT AND GIVES NO VALIDITY TO ACTS WHICH INFRINGE THE CONSTITUTION." THE JUDEGMENT THUS EXPRESSES CLEAING PROVIDES AN EXCELLENT EXCUSE TO GET THOMPSON OUT OF THE PICTURE AFTER THE CONTROVERSY OF THE POLICE FEDERATION'S RECENT CALL FOR HIS RESIGNATION (REFTEL. IT APPEARS INITIALLY THAT THOMPSON HAS, INDEED, LOST HIS SEAT ON A LEGAL TECHNICALITY. THE RESPECTED SPEAKER MACPHERSON, WHO IS NOT RUNNING FOR RE-ELECTION AND IS NO FRIEND OF DUDLEY THOMPSON, WILL NOT BE INCLINED TO ALLOW THOMPSON TO KEEP HIS SEAT WHILE AN APPEAL IS PENDING -- HE WILL LIKELY SUSPEND HIM. AN ALTERNATIVE WOULD BE FOR THOMPSON TO RESIGN, AND HOLD AN IMMEDIATE BY-ELECTION. THIS, TOO, WOULD LOOK RATHER ODD AS THE COUNTRY IS GEARING UP FOR A GENERAL ELECTION AS SOON AS ELECTORAL MACHINERY IS IN PLACE, AND THOMPSON WOULD BE IN CONSIDERABLE DANGER OF LOSING A BY-ELECTION. THE BEST OUT FOR THE GOVERNMENT WOULD BE TO PUT THOMPSON INTO SOME KIND OF LIMBO, BUT WILL THE PROUD, FEISTY, KEEPER-OF-(SOME) PARTY-SKELETONS THOMPSON STAND FOR THAT? IT IS QUITE A QUANDRY FOR THE GOVERNMENT.

DECLASSIFIED

HASSAN JEANNE M 10/24/81 135642 PRINTER: LI
80 KINGSTON 4038

LAWRENCE
CONFIDENTIAL

CONFIDENTIAL

DECLASSIFIED

DECLASSIFIED